IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 3179 OF 2005.

The State of Maharashtra. ... Applicant.

Versus.

Bhauso Ramchandra Mane and another. ... Respondents.

Shri A.S.Shitole, A.P.P. for the Applicant.

Shri A.M.Kulkarni for the Respondents Nos.1 and 2.

CORAM : ABHAY S.OKA, J.

DATED : 22nd December, 2006.

P.C.:

1. Heard the learned A.P.P. for the Applicant. Perused the notes of evidence. So far as the 1st Respondent/Accused No.1 is concerned, there seems to be evidence of at least three witnesses. So far as the 2nd Respondent is concerned, two out of the three witnesses have merely described the 2nd Respondent as relative of the 1st Respondent. There is no material on record to grant leave as against the 2nd Respondent. However, leave will have to be granted as against the 1st Respondent.

2. Hence the Application is rejected in so far as the 2nd Respondent is concerned. Leave is granted to prefer Appeal as against the 1st Respondent. Appeal is admitted. Call for the Record and proceedings. The learned Advocate for the 1st Respondent waives service. Therefore, action under section 390 of the Code of Criminal Procedure, 1973 will not be necessary.

Judge.